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LETTER DATED 6 JANUARY 1993 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit herewith a communication containing a summary of the steps taken by the Iraqi side during December 1992 pursuant to Security Council resolution 687 (1991) and the provisions of the Memorandum of Understanding signed between Iraq and the United Nations on 22 October 1992.

I request you to have this letter and the annexed communication, referred to above, circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

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Annex

Communication

Below you will find a summary of the steps taken by the Iraqi side during December 1992 pursuant to resolution 687 (1991) and the provisions of the Memorandum of Understanding signed between Iraq and the United Nations on 22 October 1992 concerning the satisfaction of the basic humanitarian needs of the civilian population of Iraq.

## Part One: Implementation of Security Council resolution 687 (1991)

### I. The question of the inspection teams

#### 1. The visit of the IAEA 16 inspection team

(a) The IAEA 16 inspection team visited Iraq during the period from 5 to 8 December 1992. The team consisted of eight inspectors and was headed by Mr. Maurizio Zifferero, Leader of the IAEA Action Team.

(b) On the evening of the day on which it arrived (5 December), the team informed the Iraqi side of its intention to proceed on the following morning (6 December) to inspect a 10-kilometre area around the Tuwaitha centre, situated 26 kilometres south of Baghdad. When the appointed time came, the Iraqi side was surprised to find that the team, accompanied by the UNSCOM 47 joint chemical/biological inspection team, proceeded to the Khayrat building complex adjacent to the hotel in order to inspect it. This unjustified behaviour indicated a prior intention to provoke the Iraqi side. The behaviour of the team when the inspection began, moreover, gave rise to an atmosphere of tension, for the team's vehicles surrounded the complex and blocked the doors, cameras were aimed from various angles and from the 17th storey of the hotel, and a large number of inspectors rapidly spread throughout the building, throwing some of the Iraqi employees into confusion, so that a number of them started to leave the building. The Iraqi side made a great effort to return the employees to the building and to return what the inspection team alleged were documents that had been removed from the building. When the inspection was completed, it became clear to the team that the building housed no documents or activities that were prohibited by resolution 687 (1991).

(c) In its report on this visit, the inspection team mentioned that the Iraqi authorities had provided assistance in order to facilitate the operation of inspecting the Khayrat complex and ensured the team access to all parts of the building. Despite the fact that the report indicated that a number of persons left the complex carrying documents and considered this a violation of Iraq's obligations in this regard, it also indicated that the team was able to seize some of the documents while they were being removed or hidden and found

that the removed or hidden documents had no connection with resolution 687 (1991). This confirms that what took place was not an organized removal or concealment operation, but rather individual acts by certain employees in whom the entry of the inspectors into their place of work in a provocative manner caused confusion.

(d) On 7 December 1992, the Chief Inspector, Mr. Zifferero, met with the chairman of the Iraqi Atomic Energy Commission. The meeting dealt, among other things, with the subject of cooperation between the Iraqi side and the Agency within the context of the implementation of resolution 687 (1991).

(e) On 8 December the team visited the Tuwaitha site, where it conducted an inspection in the guest house and a nearby workshop, and subsequently visited the Al-Athir Centre. During those visits, the team did not find anything in violation of resolution 687 (1991).

2. Visit of the joint UNSCOM 47 inspection team

(a) The joint UNSCOM 47 inspection team visited Iraq from 5 to 13 December 1992. It comprised 27 inspectors led by Mr. Johan Santesson and included two chemical and biological experts. Immediately on its arrival, the team was joined by two members of the chemical destruction team that has been working for a considerable period of time at the Muthanna Establishment.

(b) Immediately on its arrival and in breach of the normal procedures followed, the team proceeded to carry out an inspection while on its way from the airfield to the hotel. The object of the inspection was a fuel supply depot belonging to the Army, and the team found nothing there.

(c) On the morning of 6 December, accompanied by the IAEA 16 nuclear inspection team, the team made an unannounced visit to the Khayrat complex, which houses institutions that have no connection with chemical, biological or nuclear activities such as the Police Department of Criminal Investigation, the Saddam University of the Islamic Sciences and its boarding section and centres for electrical, mechanical and chemical design, and the two teams found nothing in conflict with the requirements of resolution 687 (1991).

(d) On 7 December, the team divided into three groups. The first group carried out an unannounced inspection at the Hattin State Establishment in Babil Governorate (60 kilometres south of Baghdad), the second group used helicopters to inspect an elementary school at a village in the Wasit Governorate (200 kilometres south of Baghdad), and the third group held a seminar with Iraqi chemical experts that lasted for 10 hours.

(e) The activities of the inspection team continued in subsequent days, and they focused on carrying out unannounced visits to military and civilian sites. The sites in question were the Ali ibn Abi Talib airbase, the Samarra pharmaceutical plant, depots in the Umm Qasr port area, a military site at Kut, buildings belonging to the Iraqi Olympic Committee in Baghdad, the Al-Hakam plant for the production of single-cell protein, a site for the

destruction of chemical ordnance at the Muthanna State Establishment, the Ministry of Finance State Land Department in Baghdad and the offices of a political organization also in Baghdad. In the course of its inspection of these sites, the team found nothing incompatible with the requirements of resolution 687 (1991).

(f) In addition to the unannounced field visits carried out by the inspection team, it held a number of lengthy meetings with the Iraqi side. There were five such meetings lasting for a total of 31 hours, 19 with the chemical team and 12 with the biological team. The questions the team addressed to the Iraqi side were reiterative, and they had already been answered as of 1991. Moreover, many of them had no relation to resolution 687 (1991) and their purpose was to attempt to solicit answers different from those previously given in order to contrive new allegations and new hypotheses that would require the dispatch of further inspection teams and thus prolong of the unjust embargo.

(g) In addition to the duplicitous methods adopted by the inspection team in carrying out the unannounced inspections, it resorted to addressing provocative questions to the Iraqi technicians that focused on detailed information concerning the places of work of senior personnel, details of their professional careers in past years and at present, their scientific backgrounds, the persons who had appointed them, their professional and non-professional relationships with each other and other questions the underlying purpose of which must be seriously called into question. Accordingly, the Iraqi technical team found no reason to respond to such questions since they fall outside the framework of the implementation of resolution 687 (1991). Faced with the refusal of the Iraqi technicians to respond to personal questions, the Chief Inspector asked to meet with Lieutenant-General Amer Muhammad Rashid, Director of the Military Industrial Corporation.

(h) On 8 December 1992, General Amer Muhammad Rashid met with the Chief Inspector at the latter's request. In the course of the meeting, General Amer stressed respect for the principle of cooperation with the Special Commission in the framework of meeting the requirements of resolution 687 (1991). General Amer Muhammad Rashid further stated that certain of the inspection team's questions fell outside the framework of resolution 687 (1991) and that the Iraqi technicians had therefore not answered them. The Special Commission had, regrettably, communicated to the Security Council by its letter of 10 December 1992 selected, truncated and imprecise details of the meeting. Iraq's Permanent Representative to the United Nations had therefore addressed a letter to the President of the Security Council on 14 December 1992 in which he set forth the details of what had taken place at the meeting and stressed that there had been no change in Iraq's position with regard to meeting the requirements of resolution 687 (1991), particularly since Iraq had discharged its obligations with respect to that resolution, the inspection teams had verified that fact and all of the weapons, ordnance and production equipment prohibited under the resolution had been destroyed.

(i) On 13 December 1992, before leaving Baghdad, the Chief Inspector held a news conference at which he stated that he had come to Baghdad four times and could state that the atmosphere on the present occasion was better than it had been during his last visit. He said that, during the time of its work, his team had discovered nothing that contravened Security Council resolution 687 (1991).

3. The UNSCOM 38 chemical destruction team

The chemical destruction team has been pursuing its work at Muthanna State Establishment since 18 June 1992, and the team supervises the destruction of chemical weapons and ordnance at this site. In December 1992, the team supervised the destruction of the following items:

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| 1. | 122-mm rocket warhead | 1,600 |
| 2. | 250-mm-gauge aerial bomb | 66 |
| 3. | nerve agent | 15,105 litres |
| 4. | 155-mm-calibre artillery shell filled with mustard agent | 22 |
| 5. | Solid propellant charge for 122-mm rocket | 2,574 units |
| 6. | 122-mm rocket motor | 151 |
| 7. | Isopropyl alcohol | 1,530 litres |

4. The Special Commission's helicopter unit

During December 1992, the unit performed, its assigned functions with the full cooperation and facilitation of the Iraqi side. The unit carried out 10 flights transporting inspection teams, and the Aerial Inspection and Reconnaissance Team performed an inspection of the Al-Hakam site on 12 December 1992.

II. Missing persons

Ambassador Al-Murshid Idris, Envoy of the Secretary-General of the League of Arab States, visited the country from 22 to 29 December 1992 and met with a number of officials, chief among them Mr. Izzat Ibrahim, Deputy Chairman of the Revolution Command Council, Mr. Tariq Aziz, Deputy Prime Minister, the Minister for Foreign Affairs and the Minister of Health. He also held a number of technical meetings with the Iraqi side in order to monitor ongoing developments with respect to the question of missing persons. Mr. Idris presented new and updated versions of the lists previously submitted, concerning 850 individuals, as follows:

A list provided to him by the Kuwaiti authorities containing the names of 694 missing Kuwaitis;

A list containing the names of 81 individuals of the Bidun community;

Copies of the individual case files to be submitted to Iraq by the Kuwaiti regime through the International Committee of the Red Cross (ICRC) with a view to tracing the persons concerned.

For its part, the Iraqi side provided the following information:

With regard to the list of 694 missing Kuwaitis, it was established after a rapid scrutiny that six were deceased, five had already been handed over, seven had refused repatriation, one name was repeated, four were awaiting agreement to their repatriation by the Kuwaiti authorities and one had returned without ICRC supervision (for a total of 24 individuals);

With regard to the list of 51 members of the Bidun community, it was established that four had approached ICRC and were awaiting the agreement of the Kuwaiti authorities to their repatriation, one was deceased, one had returned without ICRC supervision, one had refused repatriation and one had already been handed over (for a total of 8 individuals).

The Envoy was informed that the Iraqi authorities, in the framework of their cooperation with the endeavours of the secretariat of the League of Arab States, would pursue their efforts in accordance with the customary international norms and principles as set forth in the Geneva Conventions and in cooperation with ICRC, and it was agreed that contacts on the matter with Ambassador Al-Murshid Idris would be maintained.

## III. Compensation

Iraq participated in the work of the eighth session of the Governing Council of the United Nations Compensation Commission, held at Geneva from 14 to 18 December 1992, as at previous sessions. At the meeting, the Iraqi delegation made an official statement in which it focused on the need to avoid the adoption of arbitrary decisions against Iraq that would impose enormous financial burdens on the Iraqi economy and thereby affect its ability to meet its international financial obligations and its external debts. In its statement, the delegation further addressed itself to some of the new concepts whose adoption by the Commission was being sought and which had no international precedent and imposed on Iraq additional financial burdens, such as the levying of interest on compensation and the recovery of lawyers' fees, and to other technical matters.

While it was in Geneva, the delegation also had a number of meetings with officials of the Commission's secretariat and a number of ambassadors with a view to acquainting them with Iraq's position with regard to the issues raised and in order to convey to them an understanding of the enormous financial burden that would accrue to Iraq should the Commission's Governing Council continue to adopt unjust decisions.

IV. Return of property

At the meeting held on 28 November 1992 at the point for the hand-over of Kuwaiti property to the south of Safwan by representatives of the Iraqi side and representatives of the Kuwaiti regime in the presence of Mr. J. Richard Foran, Assistant Secretary-General of the United Nations for General Services and Coordinator of the return of Kuwaiti property, agreement was reached on technical procedures for the hand-over of heavy military equipment at the established point south of Safwan and that the major operation for the hand-over of Kuwaiti property should begin on 29 December 1992 and continue for about four months.

During December 1992, the hand-over of the remaining military equipment belonging to the Air Force and the Army Air Corps continued, and between 29 November and the end of December 1992 the following items were handed over:

Two damaged Skyhawk aircraft;

Two damaged Super Puma helicopters;

Ten aircraft dollies;

Ten items of equipment relating to aerial munitions;

Twenty-one pilot ejector seats for Skyhawk aircraft;

Seven items of ground equipment;

The Kuwaiti air defence computer, together with its conditioning system;

Ten radar systems;

Air-launched munitions (rockets and bombs).

## Part Two. Implementation of the provisions of the Memorandum of Understanding

1. Pursuant to the Memorandum of Understanding, the Iraqi side during this month proceeded to ensure and implement all the necessary administrative requirements to facilitate the work of organizations and agencies operating within the framework of the relief programme, such as the issue of permits for movement and the passage of trucks, the granting of visas to additional personnel, ensuring the safe arrival of trucks to all the country's governorates and the preparation of reserve depots for the storage of the goods expected to arrive. It has done so despite the fact that the United Nations side did not embark, with the seriousness appropriate to the period of time that had elapsed since the signing of the Memorandum, on implementation of the projects set forth in the Plan of Action relating to the Memorandum of Understanding.

2. The Iraqi side concluded an agreement with the non-governmental organization OXFAM on 10 December 1992 to work together with UNICEF in the framework of the humanitarian relief programme and in accordance with the Memorandum of Understanding.

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